

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TAVARIS SAMUELS,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 113-078
	)	
Warden WILLIAM DUNFERHL,	)	
	)	
Respondent.	)	

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**ORDER**

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After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. The instant filing docketed as a petition under 28 U.S.C. § 2254 is **DISMISSED**.

The Court "must issue or deny a certificate of appealability when it enters a final order adverse to the applicant" on a § 2254 petition. Rule 11(a) to the Rules Governing Section 2254 Proceedings. As the Magistrate Judge explained, however, while the instant filing<sup>1</sup> was docketed as a § 2254 petition before it was transferred to this District from the Northern District of Georgia, it appeared to be merely a "false start" by Petitioner at commencing a § 2254 case, which he then did by submitting a § 2254 petition in another

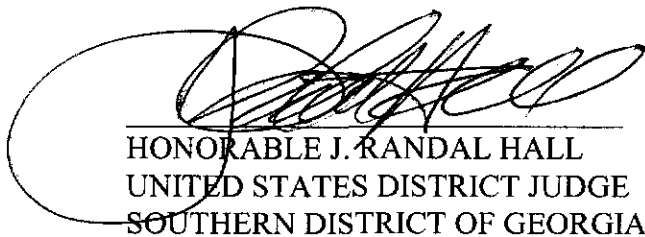
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<sup>1</sup>In the filing, titled Notice of Appeal to Fed. District Court, Petitioner states only that he wishes to "appeal the denial of Supreme Court of GA in application for certificate of probable cause on denial of habeas corpus in Superior Court of Baldwin County, Milledgeville, GA." (Doc. no. 1, p. 1.)

case in which service of process has been directed, Samuels v. Danforth, CV 113-084 (S.D. Ga. May 17, 2013). (See generally doc. no. 5.) The Court thus declines to issue or deny a certificate of appealability in this instance.

Upon the foregoing, this civil action shall be **CLOSED**. Moreover, Petitioner is instructed that, in the future, when filing any documents related to his § 2254 case in this District, he should caption such documents with case number "CV 113-084."

SO ORDERED this 30<sup>th</sup> day of July, 2013, at Augusta, Georgia.



HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA